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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,806	03/15/2000	Mikko Lukkaroinen	490-009156-US(PAR)	9761

7590 08/10/2005

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2134	

DATE MAILED: 08/10/2005

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/525,806
Filing Date: March 15, 2000
Appellant(s): LUKKAROINEN ET AL.

Geza Ziegler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5 April 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Applicant has incorrectly identified the final office action as being mailed 4 May 2005. The final office action was mailed 4 May 2004. Applicant submitted an amendment in response to the final office action mailed 4 May 2004. The Examiner did not enter the amendment submitted. Applicant duly filed a Request for Continuing Examination to obtain consideration of the amendment. Examiner issued a non-final office action rejecting the claims. It is from this action that the Applicant appeals.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-2 and 4-5 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,334,056	Holmes et al	12-2001
6366912	Wallent et al	4-2002

(10) Grounds of Rejection

The following ground(s) of rejection from the office action mailed 16 November 2004 are applicable to the appealed claims:

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al US Patent No. 6,334,056 in view of Wallent et al US Patent No. 6,366,912. Holmes teaches a secure gateway for handhelds. Wallent teaches a browser that supports network security zones.

With regards to claims 1 and 4, Holmes teaches a control processor within the mobile device for operating a mobile device (Holmes, column 3 lines 5-9 and column 3 lines 52-54) and a display within the mobile device for presenting information to the user (Holmes, Figure 2). Holmes further teaches a server sending inquiries for confidential identity codes to the mobile device (Holmes, column 5 lines 13-25). Holmes fails to teach the ability to identify if inquiries are external or internal and the displaying of the result of the identification on the mobile device display in discrete zones. Wallent teaches the identification of whether inquiries are externally or internally generated (Wallent, column 7 lines 39-56 and column 4 lines 37-42, column 3 lines 22-29), a display divided into first and second discrete display zones (Wallent, Figure 7, main browser window and tool bar-704/706/702), routing means to send externally generated information only to the first display zone (Wallent, Figure 7, column 9 line 67 – column 10 line 10, Figure 5), and the generation of an indication symbol in the second display zone when an inquiry is internally generated (Wallent, Figure 7, column 4 lines 48-49). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Wallent's security zone system because it offers the advantage of allowing the categorizing of different servers according to levels of trust and removing

the need to repeatedly query the user for permission to perform certain possibly dangerous operations (Wallent, column 2, lines 31-49).

With regards to claims 2 and 5, Holmes and Wallent teach first and second display zones that are dynamic and static displays respectively (Wallent, Figure 7).

(11) Response to Argument

Applicant has argued in the present appeal brief against the combination of Holmes and Wallent in rendering claims 1-2 and 4-5 unpatentable. Applicant has argued that the cited references fail to identify the problem the present invention purports to solve (Pages 3-6), that the cited references fail to teach the two distinct static and dynamic displays (Pages 4-5), that Wallent's browser cited by the Examiner is too complex for combination with the mobile processing system of Holmes (Page 5), and that the Examiner has not established a prima facie case of obviousness with regards to the combination of Holmes and Wallent. Examiner respectfully disagrees with these arguments.

Examiner contends that the combination of Holmes and Wallent teach all of the provided claimed limitations and the Wallent reference provides ample motivation for the proposed modification. Holmes teaches a control processor within the mobile device for operating a mobile device (Holmes, column 3 lines 5-9 and column 3 lines 52-54) and a display within the mobile device for presenting information to the user

(Holmes, Figure 2). Holmes further teaches a server sending inquiries for confidential identity codes to the mobile device (Holmes, column 5 lines 13-25) by teaching a server requesting a user ID and password from a handheld user device. Holmes fails to teach the ability to identify if inquiries are external or internal and the displaying of the result of the identification on the mobile device display in discrete zones.

Wallent remedies the deficiencies of Holmes by teaching the identification of whether inquiries are externally or internally generated (Wallent, column 7 lines 39-56 and column 4 lines 37-42, column 3 lines 22-29). Wallent teaches the identification by the determining of whether a set of data in the form of a web page is from a local intranet or from an outside source. Wallent's system identifies data received in the form of a web page as being local (internal) and displays the indication "Local Intranet" and identifies the data received in the form of a web page as being remote (external) and displays the indication "Internet Zone" (Wallent, column 7 lines 39-56). Wallent further teaches a display divided into first and second discrete display zones (Wallent, Figure 7, main browser window and tool bar-704/706/702) by a teaching a single window with a dynamic display zone for displaying received web content and a static display zone in the form of a toolbar. Wallent further teaches routing means to send externally generated information only to the first display zone (Wallent, Figure 7, column 9 line 67 – column 10 line 10, Figure 5, all externally generated info is sent to dynamic zone in the form of a web page), and the generation of an indication symbol in the second display zone when an inquiry is internally generated (Wallent, Figure 7, column 4 lines 48-49, column 7 lines 39-57, generates Local Intranet).

Thus, Examiner contends that the Holmes reference teach the claimed limitations directed towards a mobile device with a display and the receiving of inquiries at the mobile phone while the Wallent reference teaches a display with dynamic and static zones and the identification of internal and externally generated information.

The combination of Holmes with the teachings of Wallent offers the advantage of allowing the categorizing of different servers according to levels of trust and removing the need to repeatedly query the user for permission to perform certain possibly dangerous operations (Wallent, column 2, lines 31-49). This distinct advantage provides evidence of the desirability of the combination of the two references.

Applicant has asserted on pages 3-7 that the Holmes and Wallent references fail to recognize the problem to which the solution of the subject application is directed (see pages 5-6). Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). In the present case, Examiner contends that the combination of Wallent and Holmes provide all of the requisite limitations (see above).

Applicant has argued on page 5 that the combination of Holmes and Wallent fail to teach two distinct display zones in the form of a static and dynamic display. Examiner respectfully disagrees with this assertion. The claims provide the limitations "a display within said mobile device for presenting information to the user, said display divided into first and second discrete display zones" (claims 1 and 3) and "wherein the first and second display zones are dynamic and static displays respectively" (claims 2 and 5). A window with separate zones, as presented by Wallent (Wallent, Figure 7) provides two separate and discrete zones: a main window and a toolbar. Examiner contends that a browser's main window is a dynamic zone in that it dynamically presents data received from a server while a toolbar is a static zone in that displays a small pre-stored set of icons. Applicant has characterized the two zones of Wallent as being a display with multiple windows distributed over the area of the screen (Appeal Brief, Page 5). This assertion is without merit. The cited portion of Wallent, Figure 7, shows a single application window that is composed of multiple display zones. Examiner has relied upon two of the presented zones in the rejection of the present claims. The largest zone of Figure 7 shows a dynamic display zone that shows data received from a remote server (Wallent, Figure 7, main zone showing US Patent and Trademark Office website). The second zone relied upon by the Examiner is the toolbar. The toolbar is a static zone in that it displays only a small number of icons. Figure 7 shows an example where the static display zone shows an "Internet Zone" icon.

Applicant argues on Page 5 that the browser of Wallent is not adaptable for use in the intranet system of Holmes, that no one of skill in the art would recognize the resulting combined system as applicable to a mobile telephone, and that the processing capability of a cell phone would be overwhelmed because the processing and memory demands of the browser of Wallent. Examiner respectfully disagrees. Examiner notes that Applicant has not given any evidence to support the assertion that the mobile telephone of Holmes would not be capable of providing the necessary computing power. Holmes teaches a system wherein a mobile phone communicates with a network (Holmes, column 3 lines 1-15) while Wallent teaches a browser that acts as a conduit for communication across a network (Wallent, Abstract). Thus, one of ordinary skill in the art would recognize that Wallent's browser is applicable to a mobile telephone that accesses a network. Further, Examiner contends that the application of Wallent to Holmes would not overwhelm the processing capabilities of a mobile phone. The applicability of the browser to Holmes is possible and even suggested by Wallent as he states, "the invention may be practiced with other computer system configurations including hand-held devices" (Wallent, column 4 lines 61-66).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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July 28, 2005

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